



750 BERING DRIVE  
HOUSTON, TX 77057-2198  
PHONE 713.787.1400  
FAX 713.787.1440  
A LIMITED LIABILITY PARTNERSHIP

#7/ Letter

Okon  
3/11/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Newman

Serial No.: 09/839,444

Confirmation No.: 4848

Filed: April 23, 2001

For: METHOD OF MANAGING A WELL FILE  
RECORD AT A WELL SITE

Group Art Unit: 2862

Examiner: T. Le

Atty. Dkt. No.: 13526.0023.NPUS00

FAX RECEIVED

MAR 7 2003

REQUEST TO WITHDRAW FINAL OFFICE ACTION TECHNOLOGY CENTER 2800

Commissioner for Patents  
Washington, D.C. 20231

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at 703-872-9319, Commissioner for Patents, Washington, D.C. 20231, on the date below:

Date: 3-7-03

Signature

Amy K. Goff

COMMENTS:

On March 6, 2003, Applicant's representative discussed the instant application with the Examiner, Mr. Toan M. Le. During that discussion, Applicant's representative pointed out to the Examiner that the cited reference, U.S. Patent No. 6,377,189 did not qualify as a prior art reference to this application. In particular, the '189 patent's issue date was April 23, 2002. Because the instant application was filed April 23, 2001, the '189 patent did not qualify as prior art under either § 102(a) or § 102(b). Although the '189 patent was filed on March 31, 1999, before the instant application's filing date, the '189 reference did not qualify as § 102(e) prior art because the '189 reference Applicant is the same Applicant in the instant application.

Examiner Le agreed with the Applicant's representative's statements, and agreed to withdraw the final rejection, and will issue a new, non-final rejection as it will be based on new grounds of rejection. Examiner Le asked Applicant's representative to fax in this "Request to Withdraw Final Office Action" and Applicant's representative has complied accordingly.



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Therefore, given the above, Applicant requests that the Examiner withdraw the Final Office Action issued on February 18, 2003, and either issue a notice of allowance or a second non-final office action.

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While no fees are believed to be due at this time, the undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 13526.0023.NPUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

Matthew F. Steinheider

Patent Attorney

Reg. No. 47,968

Tel. (713) 787-1516

Date: 3/7/03

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